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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,382	01/26/2001	Toshiyuki Takao	FF-0126US	5768
21254	7590	11/10/2005		
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			EXAMINER PHAM, THIERRY L	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/769,382	<b>Applicant(s)</b> TAKAO ET AL	
	<b>Examiner</b> Thierry L. Pham	<b>Art Unit</b> 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

- This action is responsive to the following communication: an Amendment filed on 8/25/05.
- Claims 1-35 are pending.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 5-7, 9-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blumberg et al (US 2003/0140315), and in view of Basch et al (US 6658393).

Regarding claim 1, Blumberg discloses a product production system (print production system, fig. 3) for producing a product ordered by a customer, wherein the product comprises an output image for outputting image data received from the customer to another medium, the product production system comprising:

- a first terminal (client computer 400, fig. 4, pars. 45-61) comprising:
  - an image data input unit (input via client computer such as keyboard, pars. 45-61) for inputting the image data;
  - an order information input unit (input image information and finishing options via client computer, fig. 4, pars. 45-61 and pars. 73-83, fig. 6) for inputting order information to designate order contents of the product;
  - and an identification information input unit (client computer includes an input unit for inputting tracking order generated by online on-demand print facility server 300, fig. 3, pars. 116-118) for inputting identification information to identify said order contents;
  - an image data storing unit (client computer includes a storage memory for storing tracking order generated by the online on-demand print facility server 300, pars. 116-118) for storing the image data by associating with said identification information;

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an order information storing unit (client computer 400 includes storage medium for storing proof images sent from online facility server, fig. 4) for storing order information by associating with said identification information;

- a second terminal (service provider online on-demand print facility for generating and inputting tracking order number, pars. 116-118 and 141-154) for inputting said identification information as information to be used for authenticating said order information; and
- a production unit (production center 380, fig. 3) for producing the product designated in said order information after receiving said authenticated order information and the image data.

Blumberg teaches an on-line on-demand print facility server includes corporate and individual accounts (i.e. account holders), but fails to teach a risk ratio calculating unit for calculating a credibility relating to a purchase of the product made by the customer from information relating to the customer associated with customer identification information, calculating a risk ratio based on said credibility, and outputting said alert information when said risk ratio is above a predetermined value.

Basch teaches a risk ratio calculating unit (financial risk prediction unit for calculating and predicting credibility of registered account users, fig. 1, col. 6, lines 42-65) for calculating a credibility relating to a purchase of the product made (purchase of goods and services, col. 18, lines 37-39) by the customer from information relating to the customer associated with customer identification information, calculating a risk ratio based on said credibility, and outputting said alert information when said risk ratio is above a predetermined value (financial risk alert threshold value, abstract, col. 9, lines 35-40 and col. 13, lines 24-28).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made by modifying on-line on-demand print facility server 300 (fig. 3) of Blumberg to include a financial risk prediction unit as taught by Basch because of a following reason: (●) to prevent providing goods and services to account holder with high risk of default and/or low credibility.

Therefore, it would have been obvious to combine Blumberg with Basch to obtain the invention as specified in claim 1.

Regarding claim 2, Blumberg further discloses the product production system as claimed in claim 1, wherein said second terminal has an access right to authenticate (document manager for managing access to print order requests, par. 134-135) said order information for at least one of said image data storing unit and said order information storing unit.

Regarding claim 5, Basch further teaches the product production system as claimed in claim 1, wherein said risk ratio calculating unit calculates said risk ratio (i.e. financial risk scores, col. 9, lines 35-45) at the time of producing the product, wherein said production unit starts producing the product in a condition that said alert information is lifted (financial risk alerts, col. 9, lines 35-45).

Regarding claim 6, Blumberg further teaches the product production system as claimed in claim 1, further comprising a customer information storing unit (client computer 400, fig. 4) for storing information relating to the customer, wherein said first terminal comprises a customer identification information (i.e. customer name and address, par. 9) input unit for inputting said customer identification information to identify said information relating to the customer.

Regarding claim 7, Basch further teaches the product system as claimed in claim 6, wherein said information relating to the customer history information relating to a purchase history (historical transactions data, col. 21, lines 30-45) of the product of the customer, and wherein said risk ratio calculating unit calculates said credibility based on said purchase history of the customer (history transaction, col. 21, lines 28-30)

Regarding claim 9, Blumberg further discloses the product production system as claimed in claim 1, wherein said first terminal is placed at a remote place (remote location, fig. 3) that is at a distant location from said order information storing unit and is connected to said order information storing unit through a communication network.

Regarding claim 10, Blumberg further discloses the product production system as claimed in claim 1, wherein said first terminal is connected to said order information storing unit through the Internet (Internet, fig. 3).

Regarding claim 11, Blumberg further discloses the product production system as claimed in claim 1, wherein said second terminal displays (fig. 1 and fig. 6) the contents of said order information.

Regarding claim 12, Blumberg further discloses the product production system as claimed in claim 1, wherein said image data storing unit sends the image data and has a means for instructing said first terminal to display (fig. 1) said sent image data.

Regarding claim 13, Blumberg further discloses the product production system as claimed in claim 1, wherein: said identification information is given to the customer in exchange for receiving the image data; and said image data storing unit instructs said first terminal to display the image data by an input of said identification information (tracking number, par. 116 and par. 149) from said first terminal.

Regarding claims 14-15, Blumberg further discloses the product production system as claimed in claim 1, wherein said identification information input unit issues said order information (par. 116 and par. 149) when the image data is input by said image data input unit.

Regarding claim 16, Blumberg further discloses the product production system as claimed in claim 1, wherein: said order information input unit has a means for inputting a priority condition relating to a production of the product as said order information; and said production unit defines a priority order for producing the product during production of a plurality of the products based on said priority condition (par. 39-40 and par. 147) included in said order information and produces the product based on said priority order.

Regarding claim 17, it recite limitations that are similar and in the same scope of invention as to those in claim 1 above; therefore, claim 17 is rejected for the same rejection rationale/basis as described in claim 1. ***Please note: Claim 17 does not recite any indication a production management apparatus is a print provider apparatus and/or any products relating to a "print order". Claim 17 can be applied to different types of products such as an order for computer, furniture, and etc.***

Regarding claim 18, Basch further teaches the production management apparatus as claimed in claim 17, wherein said risk ratio calculating unit calculates said risk ratio (i.e. financial risk scores, col. 9, lines 35-45) at a time of the production of the product, wherein the production of the product is started in a condition that said alert information is lifted (financial risk alerts, col. 9, lines 35-45).

Regarding claim 19: Claim 19 is the methods corresponding the apparatus and recite limitations that are similar and in the same scope of invention as to those in claim 1; therefore, claim 1 is rejected for the same rejection rationale/basis as described in claim 1 above. ***Please note: Claim 19 does not recite any indication a method is a print provider method and/or any products relating to a "print order". Claim 19 can be applied to different types of products (i.e. computer, furniture, and etc) and manufacturers such as Dell, Apple Computer, and etc.***

Regarding claim 20: Claim 20 is the methods corresponding the apparatus and recite limitations that are similar and in the same scope of invention as to those in claim 1; therefore, claim 1 is rejected for the same rejection rationale/basis as described in claim 1 above. ***Please note: Claim 20 does not recite any indication a method is a print provider method and/or any products relating to "print order". Claim 20 can be applied to different types of products (i.e. computer, furniture, and etc) and manufacturers such as Dell, Apple Computer, and etc.***

Regarding claim 21, Blumberg further teaches the business method as claimed in claim 20, wherein the product comprises an output image (print order, fig. 4) that has output image

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data received from the customer, wherein the business method further comprises storing the image data (i.e. server, fig. 2), and wherein said products reads out the image data after said identification information is input as said production order.

Regarding claim 22, Basch further teaches the business method as claimed in claim 20, further comprising: receiving said customer identification information that identifies said information relating to the customer, and wherein said producing starts producing the product by an input of said order information at said receiving if said risk ratio calculated by said calculating is belong a predetermined value (financial risk alert threshold value, abstract, col. 9, lines 35-40 and col. 13, lines 24-28).

Regarding claim 23, Basch further reaches the business method as claimed in claim 20, wherein said information relating to the customer comprises a history information (history transaction, col. 21, lines 28-30) relating to a purchase history of the product made by the customer, and wherein said calculating calculates said credibility based on said history information (history transaction, col. 21, lines 28-30) of the customer.

Regarding claim 24: Claim 24 recites limitations that are similar and in the same scope of invention as to those in claim 1 except computer readable memory for storing computer programs. All computers/printers have some type of computer readable medium (i.e. server, fig. 2) for storing computer programs, hence claims 24 would be rejected using the same rationale as in claim 1. ***Please note: Claim 24 does not recite any indication a method is a print provider method and/or any products relating to "print order". Claim 24 can be applied to different types of products (i.e. computer, furniture, and etc) and manufacturers such as Dell, Apple Computer, and etc.***

Regarding claim 25, Basch further teaches the product production system as claimed in claim 1, wherein said production unit temporary stops producing the product designated in said order information according to said alert information (alert information, col. 8, lines 50-51 and



col. 9, lines 40-45, and based on these alerts, it would be obvious to stop producing the products for customer with credit higher risks).

Regarding claims 26-34, Basch further teaches the product production system as claimed in claim 25, wherein said production unit resumes producing the product designated in said order information after said second terminal inputs said authenticated order information (authenticated requests and financial risk alerts, col. 9, lines 35-45, and based on these alerts, it would be obvious to resumes producing the products for customer with higher credibility and trustworthy).

Regarding claim 35, it recite limitations that are similar and in the same scope of invention as to those in claim 1 above; therefore, claim 35 is rejected for the same rejection rationale/basis as described in claim 1. *Please note: Claim 35 does not recite any indication a production management apparatus is a print provider apparatus and/or any products relating to "print order". Claim 35 can be applied to different types of products such as an order for computer, furniture, and etc.*

Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blumberg and Basch as described in claim 1 above, and in view of Mori (U.S. 6089765).

Regarding claims 3-4, Blumberg and Basch do not expressly teach wherein said order information storing unit has order expiry date information defining a term to store said order information, and said order information is authenticated by extending the term determined by said order expiry date information when said identification information is input.

Mori, in the same field of endeavor for printing system for producing print product, teaches order information storing unit has order expiry date information defining a term to store said order information (computer 20 also serves as a print server for storing print order expiry date, fig. 1, col. 2, lines 56-67, col. 3, lines 60-67 to col. 4, lines 1-15 and col. 11, lines 18-31), and said order information is authenticated by extending (cols. 13-14) the term determined by said order expiry date information when said identification information is input.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Blumberg and Basch as per teachings of Mori because of a following

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reason: (1) deleting reserved print order at predetermined amount of time to allocate memory space if the expiration date of print order is not extended.

Therefore, it would have been obvious to combine Blumberg with Mori to obtain the invention as specified in claim 3-4.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blumberg and Basch as described in claim 1 above, and further in view of Walker et al (U.S. 5970478).

Regarding claim 8, Blumberg and Basch do not explicitly disclose wherein the product production system further comprising a risk ratio calculating unit for calculating a risk ratio that occurs at the time of producing the product and for outputting alert information, wherein said production unit starts producing the product in a condition that said alert information is lifted.

Walker, in the same field of endeavor, teaches the product production system further comprising a risk ratio calculating unit for calculating a risk ratio (calculating price risk based on customer's credit history, col. 9-10) that occurs at the time of producing the product and for outputting alert information, wherein said production unit starts producing the product in a condition that said alert information is lifted.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Blumberg and Basch as per teachings of Walker because of a following reason: (●) to prevent faulty purchase by an individual with bad/poor purchase history.

Therefore, it would have been obvious to combine Blumberg with Walker to obtain the invention as specified in claim 8.

### ***Response to Arguments***

Applicant's arguments, see pages 2-3, filed 8/25/05, with respect to claims 25-26, 28-32 and 34 have been fully considered and are persuasive. The 112, 1<sup>st</sup> paragraph rejection of claims 25-26, 28-32, and 34 has been withdrawn.

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Applicant's arguments filed 8/25/05 with respect to prior art rejection have been fully considered but they are not persuasive.

- Regarding claim 1, 17, 19, 20, 24, and 35, the applicants argued the cited prior arts of record (US 20030140315 to Blumberg et al and US 6658393 to Basch et al) fail to teach and/or suggest “a risk ratio calculating unit for calculating a credibility relating to a purchase of a product made by the customer from information relating to the customer associated with customer identification information, calculating a risk ratio based on said credibility, and outputting said alert information when said risk ratio is above a predetermined value”.

In response, the examiner fully disagrees with the applicants' assertions/arguments. Basch teaches a risk ratio calculating unit (financial risk prediction unit for calculating and predicting credibility of registered account users, fig. 1, col. 6, lines 42-65) for calculating a credibility relating to a purchase of the product made (purchase of goods and services, col. 18, lines 37-39) by the customer from information relating to the customer associated with customer identification information, calculating a risk ratio based on said credibility, and outputting said alert information when said risk ratio is above a predetermined value (financial risk alert threshold value, abstract, col. 9, lines 35-40 and col. 13, lines 24-28). It is well known in the art that many businesses are relying on credit reports along with credit score and/or purchase history transactions database to determine financial risks of doing businesses with an individual consumer. A determination can be made using consumer's social security number, phone number, address, and etc.

- Regarding claims 1, 17, 19-20, 24, and 35, the applicants argued the cited prior arts of record are not combinable because they are not in the same field of endeavor for solving the same problems.

In response to applicant's argument that (US 20030140315 to Blumberg et al and US 6658393 to Basch et al) is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both references (US 20030140315 to Blumberg et al and US 6658393 to Basch et al) are in

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the same field of endeavor for business method. The examiner relies on Basch to show that it is well known the art of doing businesses with an individual consumer based upon credit reports (along with credit score) to determine whether an individual is trustworthy and financially responsible; by doing so, it avoids doing businesses (reduce costs) with an individual having lower credit score and/or bad purchase history with a company (e.g. history of not paying goods/services purchased and/or goods/services on time).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

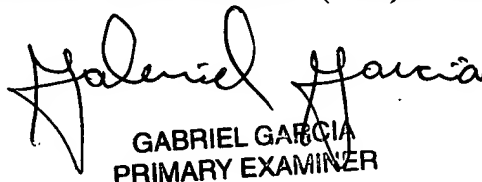
- US 5864825 to Kobayashi et al, teaches a method for storing and retrieving purchase history/transactions data of the customers from storage devices based upon customer identification data input from input device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L. Pham whose telephone number is (571) 272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham



GABRIEL GARCIA  
PRIMARY EXAMINER